United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SOFTWARE-BASED FAULT-TOLERANT NETWORKING USING A SINGLE LAN**.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number 09/513,010

Filing Date February 25, 2000 Status Pending Serial No. not assigned Filing Date: not assigned

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Magillan Michael Reg. No. 24916 Heebeck, Deepil C. Reg. No. 42,672 Nielsen, Walter W. Reg. No. 255,539 Banchi, Timothy E. Reg. No. 39,610 Kalis, Janai M. Reg. No. 37,659 Pabys, Damy J. Reg. No. 29,610 Kalis, Janai M. Reg. No. 37,659 Pabys, Damy J. Reg. No. 35,633 Recuman, John D. Reg. No. 42,017 Parker, J. Kevin Reg. No. 42,023 Kalimas Siberge, Catherine I. Reg. No. 40,007 Perlok, Montgare M. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 35,633 Kalimas Siberge, Catherine I. Reg. No. 40,007 Perlok, Montgare M. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,007 Lasy, Routh Dame J. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,007 Lasy, Routh Dame J. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,007 Lasy, Routh Dame J. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,007 Recuman, Loronice M. Reg. No. 30,008 Sci. Reg. No. 30,007 Reg. No. 30,008 Sci. Reg. No. 30,008 Reg. No. 30,008 Sci. Reg. No. 30,008	an business in the r	atent and Tradem	ark Office conficered ne	10 WILLI.		
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Clise, Timothy B. Reg. No. 40,957 Macyaert, Paul L. Reg. No. 40,976 Macyaert, Paul L. Date; Post Office Address: Mach, 1967 Mach, 1			Lundberg, Steven W.			
Dahl, John M. Reg. No. 44,539 Make, Peter C. Reg. No. 42,534 Speet, Carry 1. Reg. No. 42,5179 Drake, Eduardo E. Reg. No. 49,594 Malen, Peter L. Reg. No. 43,894 Steffey, Charles E. Reg. No. 25,179 Embresson, Janet E. Reg. No. 49,594 Malen, Peter L. Reg. No. 32,434 Steffey, Charles E. Reg. No. 45,416 Reg. No. 42,5179 Drates E. Reg. No. 45,416 Reg. No. 42,5179 Drates E. Reg. No. 45,416 Reg. No. 40,245 No. 40,416 Reg. No. 40,416 North Charles L. Jr. Reg. No. 37,446 North Charles L. Jr. Reg. No. 37,446 North Charles L. Jr. Reg. No. 37,446 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Reg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Warren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 37,346 Nelson, Albin J. Reg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 43,650 Woessner, Walren D. Reg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 30,440 Hill, Stanley K. Leg. No. 28,650 Woessner, Walren D. Reg. No. 28,650 Woessner, Walren D. Reg. No. 28,650	,	Reg. No. 40,957				
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Harris, Robert J. Reg. No. 37,348 Thereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: Jiandong Huang Citizenship: United States of America Post Office Address: 4365 Juneau Lane Plymouth, MN 55446 Signature: Date: Full Name of joint inventor number 2: Sejun Song Citizenship: Korea Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date:	Gamon, Owen J.					
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/ firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 Te	Harris, Robert J.		Nelson, Albin J.	Reg. No. 28,650	woessner, warren D.	Reg. 140. 30,440
firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that after that disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 Thereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Tall Name of joint inventor number 1: Jiandong Huang Citizenship: United States of America Post Office Address: 4365 Juneau Lane Plymouth, MN 55446 Signature: Date: Full Name of joint inventor number 2: Sejun Song Citizenship: Korea Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date: Date: Date:	Hill, Stanley K.	Reg. No. 37,548				
Full Name of joint inventor number 2: Sejun Song Citizenship: Korea Residence: Minneapolis, MN Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date:	I hereby declar belief are believed to be made are punishable bestatements may jeopar Full Name of joint investizenship: Post Office Address:	oe true; and further that y fine or imprisonment dize the validity of the entor number 1: United S 4365 June	made herein of my own known these statements were made int, or both, under Section 10 e application or any patent is statement of America eau Lane	owledge are true and le with the knowled of Title 18 of the ssued thereon.	e United States Code and t	ichis and me me s
Full Name of joint inventor number 2: Sejun Song Citizenship: Korea Residence: Minneapolis, MN Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date:		•		Data		
Full Name of joint inventor number 2 : Sejun Song Citizenship: Korea Residence: Minneapolis, MN Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date:	Signature:			Date:		
Citizenship: Korea Residence: Minneapolis, MN Post Office Address: 1026 27th Ave SE Apt. F Minneapolis, MN 55414 Signature: Date:		Jiandong Huang				
Signature:	Citizenship:	Korea 1026 27t Apt. F	h Ave SE		neapolis, MN	
	Signature:			Date:		
		Sejun Song				

Serial No. not assigned Filing Date: not assigned

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Full Name of joint inventor nur Citizenship: Post Office Address:	mber 3: <u>Tony John Kozlik</u> United States of America 2936 W. Morrow Drive Phoenix, AZ 85027	Residence: Phoenix, AZ	
Signature: Tor	ny John Kozlik	Date:	
Full Name of joint inventor nu Citizenship: Post Office Address:	mber 4: Ronald J. Freimark United States of America 13014 N. 62nd Street Scottsdale, AZ 85254	Residence: Scottsdale, AZ	
Signature:	nald J. Freimark	Date:	
Full Name of joint inventor no Citizenship: Post Office Address:	umber 5: <u>Jay W. Gustin</u> United States of America 6226 E. Joan De Arc Avenue Scottsdale, AZ 85254	Residence: Scottsdale, AZ	
Signature: Jay	y W. Gustin	Date:	

Serial No. not assigned Filing Date: not assigned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint invent Citizenship: Post Office Address:	tor number 6: <u>Christopher Lunemann</u> United States of America 159 Blackberry Lane Carbon, PA 18229	Residence: Carbon, PA	
Signature:	Christopher Lunemann	Date:	
Full Name of joint inven Citizenship: Post Office Address:	tor number 7: <u>Laurence Arthur Clawson</u> United States of America 37620 North Hidden Valley Drive Cave Creek, AZ 85327	Residence: Cave Creek, AZ	-
Signature:	Laurence Arthur Clawson	Date:	_

Serial No. not assigned Filing Date: not assigned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor Citizenship: Post Office Address:	number 8: <u>John M. Dahl</u> United States of America 2236 Springbrook Court Grand Forks, ND 58201	Residence: Grand Forks, ND		
Signature:		Date:		
	John M. Dahl			

Serial No. not assigned Filing Date: not assigned

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.